

OVERVIEW

The adoption code permits adoptive placement of a child during the period specified for rehearing or appeal or the period during which a rehearing or appeal is pending [MCL 710.41(2)]. This may be referred to as a "legal risk adoption." The prospective adoptive family must be advised that the final order of adoption cannot be issued until **one** of the following occurs:

- The petition for rehearing is granted, and at the rehearing, the order terminating parental rights is not modified or set aside, and subsequently, the period for appeal to the court of appeals has expired without an appeal being filed.
- The petition for rehearing is denied and the subsequent period for appeal to the court of appeals has expired without an appeal being filed.
- There is a decision of the court of appeals affirming the order terminating parental rights.

Form PCA 325, Notice To Adopting Parents On Pending Or Potential Appeal/Rehearing, will be sent by the court to notify the adopting parents of a pending appeal by a parent.